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Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Working Group of Experts on People of African Descent

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Working Group of Experts on People of African Descent, pursuant to paragraph 8 of Assembly resolution 70/140 and paragraph 4 of Human Rights Council resolution 27/25.

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Report of the Working Group of Experts on People of African Descent

Summary

The present report is submitted in accordance with General Assembly resolution 70/140, paragraph 8, and Human Rights Council resolution 27/25, paragraph 4, in which the Working Group of Experts on People of African Descent was requested to submit an annual report to the Council on all activities relating to its mandate, as well as to the Assembly in the context of the International Decade for People of African Descent. The present report covers activities undertaken during the period from 1 July 2015 to 30 June 2016.

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I. Introduction

1. The present report is prepared in accordance with paragraph 8 of General Assembly resolution 70/140, by which the Assembly requested the Human Rights Council, through the Chair of the Working Group of Experts on People of African Descent, to submit a report on the work of the Working Group to the Assembly. By paragraph 4 of its resolution 27/25, the Council requested the Working Group to submit an annual report to the Council on all activities relating to its mandate, as well as to the Assembly in the context of the International Decade for People of African Descent. The time period covered by the report is from 1 July 2015 to 30 June 2016.

2. In accordance with its mandate, the Working Group has continued to monitor the human rights situation of people of African descent worldwide. The Working Group is deeply concerned by the escalation of racism, racial discrimination, Afrophobia, racist hate speech, xenophobia and related intolerance targeting Africans and people of African descent in many parts of the world. In particular, the Working Group condemns police violence and other forms of violence against people of African descent.

3. During the period under review, a new member of the Working Group was appointed by the Council from the Latin American and the Caribbean region. Verene Shepherd (Jamaica) completed her term as a member of the Working Group at the end of November 2015, and her successor, Ahmed Reid (Jamaica), was appointed in December 2015. The current five mandate holders serving as experts in the Working Group are Ricardo A. Sunga III (Philippines), Mireille Fanon-Mendes-France (France), Sabelo Gumedze (South Africa), Michal Balcerzak (Poland) and Ahmed Reid (Jamaica). In April 2016, at the eighteenth session of the Working Group, Mr. Sunga III was appointed as the new Chair of the Working Group, replacing Ms. Fanon-Mendes-France.

II. Activities of the Working Group of Experts on People of African Descent

A. Annual meetings

Seventeenth session (23-27 November 2015)

4. The seventeenth session (23-27 November 2015) was a closed session, in which the Working Group considered internal matters including planning future work, sessions, country visits and communications, and held consultations with various stakeholders, including Governments, civil society and the Office of the United Nations High Commissioner for Human Rights (OHCHR). One of the decisions taken during the session was to increase the Working Group's engagement with financial and development institutions with a view to contributing to development programmes intended for people of African descent. In this regard, missions were planned for 2016.

Eighteenth session (11-15 April 2016)

5. At its eighteenth session (11-15 April 2016), the Working Group focused on the interlinkages between the themes of the International Decade (2015-2024), namely: recognition, justice and development. Since the Working Group had devoted its previous three annual thematic sessions to the themes of the International Decade, it decided to devote its eighteenth session to exploring the interlinkages between them and to deepening the understanding of stakeholders about the importance of the interconnectedness of the themes. During the session, the Working Group discussed how policies, actions and programmes of development were affected by structural and institutional racism, racial discrimination, Afrophobia, xenophobia and related intolerance towards Africans and people of African descent. It emphasized that measures to eliminate poverty and all forms of racial discrimination must be mutually reinforcing. The Working Group urged States to establish programmes based on the participation of Africans and people of African descent, aimed at improving their economic and social conditions. It also reiterated its recommendation to devoting special attention to the needs of people of African descent, inter alia, through the preparation of specific programmes of action, in cooperation with civil society, in order to implement the programme of activities for the International Decade for People of African Descent; establish an international forum for people of African descent; and start work on a draft United Nations declaration on the promotion of and full respect for the human rights of people of African descent. In addition, a special session was devoted to the fifteenth anniversary of the Durban Declaration and Programme of Action. Another special session was devoted to discussing the Working Group's research on the stereotyping of blackface. A full account of the sessions and recommendations made by the Working Group is contained in its annual report submitted to the Council at its thirty-third session (A/HRC/33/61).

B. Country visits

United States of America

6. The Working Group undertook a country visit to the United States of America from 19 to 29 January 2016.[1] A full account of the findings and recommendations made by the Working Group are contained in its report submitted to the thirty-third session of the Council.

Canada

7. The Working Group will visit Canada from 17 to 21 October 2016. A statement to the press will be delivered by the Working Group at the end of its mission and will then be made available on its website. The Working Group will submit a report containing its findings and recommendations to the Council in September 2017.

[1] The statement to the press delivered by the Working Group at the end of their mission is available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17000&LangID=E.

Other pending visits

8. The Government of Israel invited the Working Group to visit Israel in 2015. The Working Group proposed that the visit take place from 13 to 17 December 2015; however, those dates were not confirmed by the Government of Israel.

9. The Government of Jamaica also extended an invitation for the Working Group to visit the country in 2016. The Working Group proposed that the visit take place from 11 to 15 July 2016; however, those dates were not confirmed by the Government of Jamaica.

10. The Working Group expresses its appreciation to all the Governments that have cooperated with the mandate and that have invited it to undertake country visits. The Working Group has requested undertaking visits to other countries in accordance with its mandate and emphasizes the importance of Governments cooperating with it in confirming dates and allowing visits to be planned and to proceed on schedule.

C. Communications

11. During the reporting period, and in accordance with its mandate, the Working Group sent four communications to the following regarding allegations of human rights violations: Colombia, Guyana and the United States.

12. The communications sent and replies received are included in the following joint communications reports by special procedures mandate holders submitted to the Council: A/HRC/33/32, A/HRC/32/53 and A/HRC/31/79. These periodic reports include brief summaries of allegations communicated to States or other entities, as well as hyperlinks to the texts of the communications sent and responses received.

13. The Working Group also issued a number of statements to the press during the reporting period.

14. On 13 June 2016, the Working Group issued a statement expressing alarm over the increasing number of reports that it had received on violence towards people of African descent in Colombia. The statement was also endorsed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on minority issues, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

15. On 21 April 2016, the Working Group issued a statement expressing its concern about the serious consequences of national and international drug policies on people of African descent.

16. On 17 March 2016, the International Day for the Elimination of Racial Discrimination, the Working Group, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and the Committee on the Elimination of Racial Discrimination issued a joint statement. In the statement, they emphasized that, over the 15 years since the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, very little progress had been made in tackling racism, Afrophobia, racial discrimination, xenophobia and related intolerance. There had instead been an alarming increase in hate speech and xenophobic actions around the world.

17. On 3 March 2016, the Working Group joined several mandate holders to call upon the United States to increase its efforts to address environmental threats to human rights, amid the recent outrage over lead-contaminated water in the town of Flint, Michigan, while reiterating the recommendations they had made during the Working Group's visit to the country.

18. On 29 December 2015, in a statement to the press, the Working Group indicated that international efforts to tackle climate change needed to be more inclusive and involve those largely overlooked during the United Nations Climate Change Conference held in Paris in December 2015.

19. On 9 December 2015, the Working Group joined several mandate holders in issuing a statement calling for the full ratification of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

20. On 28 July 2015, the Working Group issued a statement in which it expressed its concerns over fears of arbitrary deportation and racial profiling of people of Haitian descent in the Dominican Republic.

D. Liaising with financial and developmental institutional and operational programmes and specialized agencies of the United Nations, with a view to contributing to the development programmes intended for people of African descent

21. In the exercise of its mandate and specific activities provided for in Council resolution 9/14, paragraph 8 (f) (i), the Working Group undertook an initial visit to Washington, D.C., on 27 and 28 June 2016. The delegation comprised the following members of the Working Group: Mr. Reid and Mr. Balcerzak. The delegation met with representatives from the World Bank Group, the Inter-American Development Bank and the Nordic Trust Fund. It also met with relevant members of staff from the Inter-American Commission on Human Rights.

22. During the mission, the delegation explored ways in which the Working Group could effectively contribute to development programmes intended for people of African descent. Another aim was to find out if, and to what extent, the financial institutions already had programmes for people of African descent and if any specific work was under way in the context of the programme of activities to implement the International Decade for People of African Descent. The delegation also inquired about the potential ways of obtaining financial support for activities relating to the mandate of the Working Group.

23. At the World Bank Group, the delegation discussed the aims of its mission with those involved in drafting and implementing specific projects and with those in charge of staff member clubs of the World Bank Group interested in the activities of the Working Group. The Working Group learned of important and innovative initiatives, such as Digital Jam 3.0 and KingstOOn, taking place in the Caribbean. The delegation hoped that the initiatives would be replicated throughout the African diaspora. The delegation expressed its appreciation of the various activities undertaken at the World Bank and the Nordic Trust Fund which took into account a human rights perspective. However, the delegation also noted that awareness of the International Decade and its aims at the World Bank Group seemed to be rather

limited. It was agreed that some action in that area was necessary, in cooperation with the Working Group and the internal groups at the World Bank, with a view to promoting the aims of the Decade.

24. At the Inter-American Development Bank, the delegation discussed ways of possible cooperation and sharing of experiences in promoting visibility and development policies aimed at improving the well-being of people of African descent in Latin America and the Caribbean region. The Working Group noted the efforts of the Inter-American Development Bank in collecting disaggregated data on people of African descent and in organizing projects that promoted development with the identity of indigenous people and people of African descent at its core.

25. The Working Group also planned to undertake a mission to meet with representatives of operational programmes and specialized agencies of the United Nations system and to continue to explore ways in which it could make proposals and contribute to development programmes intended to benefit people of African descent.

E. Thematic research combating racial stereotypes

26. During the period under review, the Working Group began thematic research on the issue of racial stereotyping of people of African descent, as an area of work for continued efforts to combat negative racial stereotypes.

27. The Working Group studied racial stereotypes faced by people of African descent around the world including the role of blackface in public events, such as Black Pete in the Sinterklaas festival in the Netherlands, and the prevalence of such racial stereotypes in the media and advertisements.

28. The blackface phenomenon, which portrays people of African descent in a negative light, remains a global concern. It dehumanizes people of African descent and attacks their dignity and rights. The contemporary manifestation of blackface is indicative of the increasing prevalence of racial stereotypes. Among other things, it is a product of past inhumane practices such as enslavement, colonialism and apartheid. It was perpetrated by Jim Crow and nurtured by those who refused to acknowledge that people of African descent were victims of slavery, the slave trade, colonialism and apartheid.

29. Racial stereotyping of people of African descent is taking place around the world and must be addressed as an unacceptable phenomenon. Stereotypes are the result of limited knowledge, misinterpretations, shortcomings of education and the negative portrayal of people of African descent in the media and works of art. For example, people of African descent are rarely present in films, and when they are present have secondary or supporting roles only.

30. Ignorance of the world and of Africans does not help efforts to address the matter of stereotyping. There is a failure to consider the African perspective and a lack of an awareness of the African contribution to society. A purist attitude prevents a more inclusive society that is open to diversity. A history of colonization has also introduced values that do not take into account the African view of the world. Global media in its pervasiveness has reinforced such values, which give little importance to African characteristics.

31. Stereotyping and hate speech must be dealt with by law in a similar manner. Hate speech attacks a person on the basis of race or another attribute. Criminal sanctions must be imposed not just for hate speech but also for stereotyping. Furthermore, like hate speech, stereotyping ought to provide a basis for damages. Administrative sanctions should also be imposed for words and images that amount not only to hate speech but also to stereotyping.

F. International Decade for People of African Descent

32. The Working Group continued to campaign for effective implementation of the programme of activities of the International Decade.

33. During the period under review, the Working Group continued to actively promote and participate in various activities, interacting with civil society and assisting stakeholders in implementing the programme of activities of the International Decade. The following actions by the Working Group are of particular note:

(a) During the Working Group's country visit to the United States, the International Decade was actively promoted and all stakeholders were encouraged to take action at the national level;

(b) During its eighteenth session in Geneva, the Working Group focused on the interlinkages of the themes of the International Decade. A panel discussion was held on plans for the programme of activities to implement the International Decade.

34. Individual members of the Working Group also carried out the following promotional activities:

(a) Ms. Fanon-Mendes-France delivered several statements, and participated in a range of events, using the opportunity to raise awareness and call for the implementation of the International Decade. On 3 and 4 December 2015, Ms. Fanon-Mendes-France, as Chair of the Working Group, delivered a statement at, and participated in, the regional meeting of the International Decade for People of African Descent for Latin America and the Caribbean, held in Brasilia. During the period under review, Ms. Fanon-Mendes-France also participated in events organized by States, civil society and universities around the world, including AfroMadrid in Madrid; an Africités meeting in Johannesburg, South Africa; an event in Strasbourg, France, where she met with member States of the European Commission against Racism and Intolerance; an event in Washington, D.C., where she briefed members of the Congressional Black Caucus; an event in Paris during Black History Month; and events at Harvard University and the University of Connecticut, United States;

(b) During her interventions, Ms. Fanon-Mendes-France focused on the importance of historicizing the implementation of the pseudo-concept of race as a means to classify and categorize human society in order to deconstruct the concept. She also reiterated the importance of deconstructing the coloniality of power and of knowledge as a means of building a non-discriminatory and equal society, and of understanding how structural and institutional racism and Afrophobia continued to be present in society and how to tackle them. She also emphasized the importance of reparatory justice with regard to the transatlantic slave trade, enslavement,

colonization and colonialism as the only means of tackling the consequences of those crimes against humanity experienced, even today, by Africans and people of African descent all over the world. She reiterated, in various ways, the importance of referring to the Working Group mandate within the framework of the Durban Declaration and Programme of Action;

(c) In 2015, Ms. Shepherd delivered three lectures about the International Decade and its relationship to the issue of reparatory justice: (i) "From Montego Bay to Morant Bay: making the case for reparatory justice" (Mandeville, Jamaica, 26 July 2015); (ii) "The decade for people of African descent and reparatory justice" (University of St. Martin, Sint Maarten, 3 October 2015); and (iii) a keynote address "Past imperfect, future perfect (?): reparation, rehabilitation, reconciliation" (University of Edinburgh, United Kingdom of Great Britain and Northern Ireland, 4 November 2015);

(d) On 29 April 2016, Mr. Reid was a panellist at a United Nations special event held in New York on the theme "Recognition, justice and development: women of African descent — at the intersection of race and gender".

G. Other mandate-related activities

35. On 15 June 2016, Mr. Sunga III, presented a paper on people of African descent in Asia at a round-table discussion at the Institute of Human Rights at the University of the Philippines. The paper was entitled "Bridging the racial divide: contemporary issues of discrimination". Issues of racism, racial discrimination, xenophobia, Afrophobia and related intolerance against people of African descent in Asia were highlighted in the paper. Mr. Sunga III also indicated in the paper that steps would be taken to urge the Philippines and other Asian States to adopt positive measures to implement the International Decade in the region in accordance with its themes of recognition, justice and development.

36. On 18 March 2016, at the invitation of the President of the General Assembly, Mr. Reid delivered the keynote address on the occasion of the International Day for the Elimination of Racial Discrimination at United Nations Headquarters in New York. Also on 18 March 2016, in celebration of the same occasion and at the invitation of the President of the Human Rights Council, Ms. Fanon-Mendes-France delivered a statement at the United Nations Office at Geneva. The theme for both events was "Challenges and achievements of the Durban Declaration and Platform for Action — 15 years after". In her statement, Ms. Fanon-Mendes-France focused on the importance of ending the structural and institutional racism that plagues the world, by going back to the founding idea of the Charter of the United Nations that created the United Nations. She emphasized that it was the people who were sovereign in the framework of the United Nations and that States were there only to represent the people. She insisted on the importance of deconstructing the paradigms of political domination and of knowledge that allowed the enslavement of millions of human beings, and created divides in society, such as "good" versus "evil", "civilized people" versus "barbarians", "democracy" versus "dictatorship", and raised an elementary and simplistic analysis of international relations.

37. On 11 and 12 October 2015, Mr. Balcerzak participated in the Tenth Annual Symposium: Human Rights and a Just Society, held in Torun, Poland, on the theme "The world is on fire: fleeing to freedom or survival", organized by the Law Faculty

of Nicolaus Copernicus University and John Felice Rome Center, Loyola University, Chicago, United States. The event gathered together students and academics from both organizing institutions. Mr. Balcerzak gave a presentation on the activities of the Working Group, in particular in the context of its country visit to Italy in June 2015.

38. On 31 October 2015, Mr. Balcerzak participated in a meeting with representatives of the Society of African Students, held at Turgut Özal University, Ankara, Turkey. The meeting was a side event of the conference on international law and domestic policies organized by the university. Mr. Balcerzak presented and discussed the activities of the Working Group and informed them about the aims of the International Decade.

39. Mr. Balcerzak also contributed to a special issue of the *Journal of Business Economics and Political Science* on the United Nations, issued in April 2016 by Turgut Özal University, Turkey.

III. Conclusions

40. **The Working Group is deeply concerned by the escalation of racism, racial discrimination, Afrophobia, racist hate speech, xenophobia and related intolerance targeting Africans and people of African descent in many parts of the world. The Working Group condemns police violence and other forms of violence against people of African descent. In this regard, independent accountability mechanisms, whose officials should include people of African descent, are essential.**

41. **The Working Group country visits and allegations received under the communication procedure show how structures based on racial bias or discrimination, including, racial phenotypes, still have a lasting and detrimental effect on Africans and people of African descent in the diaspora. This legacy must be addressed in an open dialogue in order to understand and address the roots of racial tensions and discrimination in society. In certain societies, the invisibility of people of African descent on account of policy assimilation prevents different forms of intolerance from being addressed appropriately. The collection of disaggregated data along ethnic lines based on voluntary self-identification is an important starting point in the conversation of identifying the disparities between, and addressing the human rights of, people of African descent.**

42. **The Working Group is ready to continue actively participating in the International Decade for People of African Descent and to assist stakeholders and strengthen partnerships between Governments, civil society, Africans and people of African descent in order to fully implement the programme of activities. The Working Group calls on States and civil society to hold joint launchings of the International Decade in their own countries and to adopt positive measures to accelerate the process of its implementation. As part of this process, States are urged to also address the negative racial stereotypes and the blackface phenomenon that people of African descent face. Criminal sanctions must be imposed not just for hate speech, but also for stereotyping. Furthermore, as with hate speech, stereotyping ought to provide a basis for**

damages. Administrative sanctions should also be imposed for words and images that amount not just to hate speech, but also to stereotyping.

43. The Working Group believes that an international forum for people of African descent should be established without further delay and that work should begin on a draft United Nations declaration of the promotion of and full respect for the human rights of people of African descent as it is essential to achieving justice and reparations in that regard.

44. The Working Group welcomes the 10-point plan of the Caribbean Community (CARICOM) established by the Community's Reparations Commission in order to achieve reparatory justice for the region's indigenous and African descendant communities who are the victims of crimes against humanity.

45. The Working Group recognizes that without the essential contribution of civil society, non-governmental organizations and academics, the fight against racism, racial discrimination, Afrophobia, xenophobia, Islamophobia and related intolerance will remain invisible. The link between their work, States and various United Nations mechanisms must be strengthened and made visible by joint equitable partnerships. There must be increased support for civil society engagement with States and the United Nations.

46. The Working Group hopes to have the opportunity to work more closely regarding the Third International Decade for the Eradication of Colonialism (2011-2020) (General Assembly resolution 65/119), and with the African Union, which launched the African Women's Decade 2010-2020 in January 2009.

47. The Working Group reminds Member States of the commitments that they made in the Durban Declaration and Programme of Action and encourages them to develop comprehensive national action plans to tackle racism, such as reinforcing national institutions, legislation, the administration of justice and creating competent national bodies to adequately investigate allegations of racism, racial discrimination, xenophobia and related intolerance.

48. The Working Group encourages Member States to fully embrace the 2030 Agenda for Sustainable Development, which is grounded in international human rights standards and has the imperative of equality and non-discrimination at its core. The 2030 Agenda provides a framework within which countries can integrate human rights into national priorities.